HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.21162 of 2006

Date : 15-11-2006

Between :

N.Jairam s/o.Jhansiya .. Petitioner

And

The State Election Commission
Buddha Bhavan, M.G. Road,
Hyderabad, represented by its
Secretary
and others .. Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

ORDER:

This Court ordered notice before admission on 16-10-2006.

Heard Sri K.R. Prabhakar, the learned Counsel representing the writ petitioner, Sri V.V.Prabhakar Rao, learned Counsel representing respondents 1 and 2, Sri Upender Reddy, the learned Counsel representing 3rd respondent and Sri Harender Prasad, the learned Counsel representing 4th respondent.

The Writ Petition is filed for a writ of mandamus declaring the inaction of the respondents in restraining the 4th respondent from functioning as Mandal Parishad President, Amangal, Mahaboobnagar District without reference to the pendency of O.P.No.6/2006 on the file of District Election Authority-cum-District Court, Mahaboobnagar as the continuation of 4th respondent himself is without power or authority as arbitrary, illegal, unjust, contrary to Sections 18 and 153 of A.P. Panchayat Raj and issue a consequential direction to the respondents to restrain the 4th respondent from functioning as M.P.T.C. and the President of the Amangal Mandal, Mahaboobnagar District and to pass such other orders.

The ground raised is one of disqualification. Several other factual details no doubt had been narrated in the affidavit filed in support of the Writ Petition. It is needless to say that when O.P.No.6/2006 on the file of District Election Authority-cum-District Court at Mahaboobnagar is pending wherein self-same ground of attack was raised, it would not be appropriate to issue further directions in relation thereto in the present Writ Petition.

In view of the same, the Writ Petition be disposed of directing the District Court, Mahaboobnagar to dispose of O.P.NO.6/2006 at an early date, preferably within a period of two months from the date of

receipt of this order. No costs.

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Justice P.S. Narayana

Date : 15-11-2006

Note: Furnish copy my 20-11-06.

AM